

## REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action mailed on June 22, 2006. This Office Action is the first action received after a request for continued examination under 37 C.F.R. 1.114 was granted. The Applicant thanks the Examiner for granting the request for continued examination. Claims 28-36, 55 and 56-67 are pending. Claims 28, 30, 31, 55-57, 59, 60, and 66 have been amended. Claims 37-54 were previously canceled. No new matter has been added.

### **Claim Objections - 35 U.S.C. § 112**

The Examiner objected to claims 28-36 and 55-66 under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter.

The Applicant has amended the claims to delete the term within the parentheses. The Applicant has amended the claims to delete the term “more” in the limitation “a more controllable aerosol spray” so that no comparison is being made. The Applicant has amended the claims to replace the acronym VOC with “volatile organic compounds” so that the meaning VOC is clear. The Applicant has amended the claims to delete the inclusion of WICHANOL, a trademark.

The Applicant respectfully submits that the above objections to the claims have been overcome.

### **Claim Rejections - 35 U.S.C. § 103**

In a Office Action dated June 22, 2006, the Examiner maintained his rejections of claims 28, 32, 33, 35, 36, 55 and 56 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,505,344 (“Woods”) in view of U.S. Patent No. 4,472,201 (“Ochi”) and U.S. Patent No. 5,914,196 (“Calvo”). The Examiner also maintained his rejection of claim 29 under 35 U.S.C. § 103(a) as being obvious over Woods in view of Ochi, Calvo, and U.S. Patent No. 4,450,253 (“Suk”), and as being obvious over Woods in view of Ochi, Calvo, and U.S. Patent No. 5,500,456 (“Hughett”). The Examiner also maintained his rejection of claim 34 under 35 U.S.C.

§ 103(a) as being obvious over Woods in view of Ochi, Calvo, and U.S. Patent No. 4,005,038 ("Minkoff").

The Examiner stated that claim 67 is allowed. The Examiner also stated that claims 57 and 66 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in the Office Action. The Examiner further stated that claims 30, 31, and 58-65 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in the Office Action.

As the Examiner indicated in the office action that none of the prior art teach or fairly suggest the use of a suspending agent consisting essentially of carbonal, the Applicant has amended claim 28 to include the limitation of a suspension agent that consists essentially of carbonal.

In a telephone conference with the Examiner on August 7, 2006, the Examiner indicated in a related case (Application Serial No. 10/457,240) that incorporating the limitation of a suspending agent *comprising* carbonal into the rejected claims would place those claims in condition for allowance. During that telephone conference, the Examiner commented that this was the same allowability issue regarding the present application. The Applicant has accordingly amended the claims 55 and 56 such that each of the claims presented now incorporate the limitation of a suspending agent comprising carbonal.

The Applicant has amended claims 57 and 66 to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph. The Applicant has further amended claims 58-65 to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

The Applicant respectfully submits that the above rejections have been overcome in view of the present amendments.

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**CONCLUSION**


This response is being submitted within the three month deadline. In the case any fee is owed, please charge deposit account number 03-3975 (ref. 81168-306630).

Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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